

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re application of:** Papania *et al.***Application No.** 10/587,814**Filed:** July 28, 2006**Confirmation No.** 5324**For:** AEROSOL DELIVERY SYSTEMS AND  
METHODS**Examiner:** Not Yet Assigned**Art Unit:** 1615**Attorney Reference No.** 6395-68278-03**FILED VIA EFS ON  
JULY 7, 2009**SUBMITTED VIA ELECTRONIC FILING SYSTEM  
UNITED STATES PATENT AND TRADEMARK OFFICE**REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT**

Applicants have received the official Filing Receipt for the application referenced above, a copy of which (with requested correction) is attached as Exhibit A.

The Filing Receipt omits inventor Mark C. Bagley from the listing of inventors:

ITEM IN ERROR	CORRECT INFORMATION
Mark J. Papania, Liburn, GA; James J. Barry, Hanover, NH; Nabil A. Elkouh, Meriden, NH; Darin Knaus, Norwich, VT; Robert Trabka, Newport, NH;	Mark J. Papania, Liburn, GA; James J. Barry, Hanover, NH; Mark C. Bagley, Grafton, NH; Nabil A. Elkouh, Meriden, NH; Darin Knaus, Norwich, VT; Robert Trabka, Newport, NH;

Attached as Exhibit B is a copy of the signed Declaration of Inventorship showing the correct listing of inventors.

Applicants request that the identified error be corrected and that a new official Filing Receipt be issued.

No fee should be required for this filing. The Director is hereby authorized to charge any fee that may be required in connection with this filing, or credit any overpayment, to Deposit Account No. 02-4550.

Please call the undersigned if any further information is required.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

One World Trade Center, Suite 1600  
121 S.W. Salmon Street  
Portland, Oregon 97204  
Telephone: (503) 595-5300  
Facsimile: (503) 595-5301

By /Jeffrey B. Haendler/  
Jeffrey B. Haendler  
Registration No. 43,652

cc: Docketing



UNITED STATES PATENT AND TRADEMARK OFFICE

CDC/JBH/DM  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
10/587,814/	07/28/2006 ✓	3771	3250	6395-68278-03 ✓	63 ✓	4 ✓

CONFIRMATION NO. 5324

FILING RECEIPT



0000000036213716

46135  
KLARQUIST SPARKMAN, LLP  
121 S.W. SALMON STREET  
SUITE 1600  
PORTLAND, OR 97204

PREVIOUSLY DOCKETED

Date Mailed: 06/02/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Mark J Papania, Lilburn, GA; ✓  
James J. Barry, Hanover, NH; ✓  
Nabil A. Elkouh, Meriden, NH; ✓  
Darin Knaus, Norwich, VT; ✓  
Robert Trabka, Newport, NH; ✓

Mark C. Bagley  
Drafter, NH

Power of Attorney: The patent practitioners associated with Customer Number 46135

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US05/11086 04/01/2005 ✓  
which claims benefit of 60/559,318 04/02/2004 ✓

Foreign Applications

If Required, Foreign Filing License Granted: 05/28/2009

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/587,814**

Projected Publication Date: 09/10/2009

Non-Publication Request: No

Early Publication Request: No

**Title**

Aerosol delivery systems and methods ✓

**Preliminary Class**

128

**PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES**

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER**

**Title 35, United States Code, Section 184**

**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**Box No. VIII (iv) DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America)**

*The declaration must conform to the following standardized wording provided for in Section 214; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box VIII (iv). If this Box is not used, this sheet should not be included in the request.*

**Declaration of Inventorship (Rules 4.17(iv) and 51bb.1(a)(iv))  
for the purposes of the designation of the United States of America**

I hereby declare that I believe I am the original, first and sole (if only one inventor is listed below) or joint (if more than one inventor is listed below) inventor of the subject matter which is claimed and for which a patent is sought.

This declaration is directed to the international application of which it forms a part (if filing declaration with application).

This declaration is directed to international application No. PCT/US2005/011086 (if furnishing declaration pursuant to Rule 26ter).

I hereby declare that my residence, mailing address, and citizenship are as stated next to my name.

I hereby state that I have reviewed and understand the contents of the above-identified international application, including the claims of said application. I have identified in the request of said application, in compliance with PCT Rule 4.10, any claim to foreign priority, and I have identified below, under the heading "Prior Applications," by application number, country or Member of the World Trade Organization, day, month and year of filing, any application for a patent or inventor's certificate filed in a country other than the United States of America, including any PCT international applications designating at least one country other than the United States of America, having a filing date before that of the application on which foreign priority is claimed.

**Prior Applications:**

I hereby acknowledge the duty to disclose information that is known by me to be material to patentability as defined by 37 C.F.R. § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the PCT international filing date of the continuation-in-part application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Name:** PAPANIA, Mark J.

**Residence:** Lilburn, Georgia  
(city and either US state, if applicable, or country)

**Mailing Address:** 3649 Wentworth Lane, Lilburn, Georgia 30047

**Citizenship:** United States of America

**Inventor's Signature:** *Mark J. Papania*  
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

**Date:** *7/28/05*  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

**Name:** BARRY, James J.

**Residence:** Hanover, New Hampshire  
(city and either US state, if applicable, or country)

**Mailing Address:** 5 Ridge Road, Hanover, New Hampshire 03755

**Citizenship:** United States of America

**Inventor's Signature:**  
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

**Date:**  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

☒ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".

<p><b>Continuation of Box No. VIII (i) to (v) DECLARATION</b></p> <p><i>If the space is insufficient in any of Boxes No. VIII (i) to (v) to furnish all the information, including in the case where more than two inventors are to be named in Box No. VIII (iv), in such case, write "Continuation of Box No. VIII ..." (indicate the item number of the Box) and furnish the information in the same manner as required for the purposes of the Box in which the space was insufficient. If additional space is needed in respect of two or more declarations, a separate continuation box must be used for each such declaration. If this Box is not used, this sheet should not be included in the request.</i></p>	
<p><b>Continuation of Box No. VIII (iv) DECLARATION: INVENTORSHIP</b></p>	
<p><b>Name:</b> BAGLEY, Mark C.</p> <p><b>Residence:</b> Grafton, New Hampshire (city and either US state, if applicable, or country)</p> <p><b>Mailing Address:</b> 505 Tumpike Road, Grafton, New Hampshire 03240</p> <p><b>Citizenship:</b> United States of America</p>	
<p><b>Inventor's Signature:</b>..... (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)</p>	<p><b>Date:</b>..... (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)</p>
<p><b>Name:</b> ELKOUH, Nabli A.</p> <p><b>Residence:</b> Meriden, New Hampshire (city and either US state, if applicable, or country)</p> <p><b>Mailing Address:</b> 113 Main Street, Meriden, New Hampshire 03770</p> <p><b>Citizenship:</b> United States of America</p>	
<p><b>Inventor's Signature:</b>..... (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)</p>	<p><b>Date:</b>..... (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)</p>
<p><b>Name:</b> KNAUS, Darin</p> <p><b>Residence:</b> Norwich, Vermont (city and either US state, if applicable, or country)</p> <p><b>Mailing Address:</b> 55 Douglas Ridge, Norwich, Vermont 05055</p> <p><b>Citizenship:</b> United States of America</p>	
<p><b>Inventor's Signature:</b>..... (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)</p>	<p><b>Date:</b>..... (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)</p>
<p><b>Name:</b> TRABKA, Robert</p> <p><b>Residence:</b> Newport, New Hampshire (city and either US state, if applicable, or country)</p> <p><b>Mailing Address:</b> 155 Gilman Pond Road, Newport, New Hampshire 03773</p> <p><b>Citizenship:</b> United States of America</p>	
<p><b>Inventor's Signature:</b>..... (if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)</p>	<p><b>Date:</b>..... (of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)</p>
<p><input type="checkbox"/> This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".</p>	

Form PCT/RO/101 (continuation sheet for declaration) (March 2001) Klarquist Sparkman, LLP (revised February 2002) See Notes to the request form

**Box No. VIII (iv) DECLARATION: INVENTORSHIP (only for the purposes of the designation of the United States of America)**

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for the purposes of the designation of the United States of America**

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**Name:** PAPANIA, Mark J.

**Residence:** Lilburn, Georgia  
(city and either US state, if applicable, or country)

**Mailing Address:** 3649 Wentworth Lane, Lilburn, Georgia 30047

**Citizenship:** United States of America

**Inventor's Signature:**.....  
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

**Date:**.....  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

**Name:** BARRY, James J.

**Residence:** Hanover, New Hampshire  
(city and either US state, if applicable, or country)

**Mailing Address:** 5 Ridge Road, Hanover, New Hampshire 03755

**Citizenship:** United States of America

**Inventor's Signature:**.....  
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

**Date:**..... 23 August 05  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

☒ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".



Continuation of Box No. VIII (i) to (v) **DECLARATION**

*If the space is insufficient in any of Boxes No. VIII (i) to (v) to furnish all the information, including in the case where more than two inventors are to be named in Box No. VIII (iv), in such case, write "Continuation of Box No. VIII..." (indicate the item number of the Box) and furnish the information in the same manner as required for the purposes of the Box in which the space was insufficient. If additional space is needed in respect of two or more declarations, a separate continuation box must be used for each such declaration. If this Box is not used, this sheet should not be included in the request.*

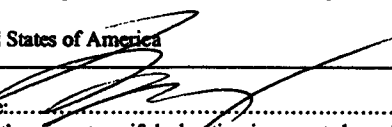
Continuation of Box No. VIII (iv) **DECLARATION: INVENTORSHIP**

Name: BAGLEY, Mark C.

Residence: Grafton, New Hampshire  
(city and either US state, if applicable, or country)

Mailing Address: 505 Turnpike Road, Grafton, New Hampshire 03240

Citizenship: United States of America

Inventor's Signature:   
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

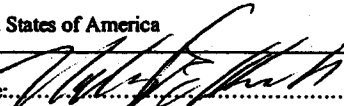
Date: 29 August 2005  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

Name: ELKOUH, Nabil A.

Residence: Meriden, New Hampshire  
(city and either US state, if applicable, or country)

Mailing Address: 28 Chosen Vale Ln, Enfield 03748  
143 Main Street, Meriden, New Hampshire 03770

Citizenship: United States of America

Inventor's Signature:   
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

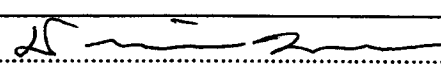
Date: 25 August 2005  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

Name: KNAUS, Darin

Residence: Norwich, Vermont  
(city and either US state, if applicable, or country)

Mailing Address: 55 Douglas Ridge, Norwich, Vermont 05055

Citizenship: United States of America

Inventor's Signature:   
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

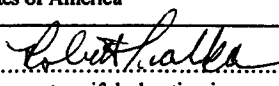
Date: 22 August 2005  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

Name: TRABKA, Robert

Residence: Newport, New Hampshire  
(city and either US state, if applicable, or country)

Mailing Address: 155 Gilman Pond Road, Newport, New Hampshire 03773

Citizenship: United States of America

Inventor's Signature:   
(if not contained in the request, or if declaration is corrected or added under Rule 26ter after the filing of the international application. The signature must be that of the inventor, not that of the agent)

Date: 8/22/2005  
(of signature which is not contained in the request, or of the declaration that is corrected or added under Rule 26ter after the filing of the international application)

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (iv)".